

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF THE	)	
STATE BUDGET CUTS TO	)	ADMINISTRATIVE ORDER
MARICOPA COUNTY PROBATION	)	NO. 2002-118
_____	)	

Whereas the State of Arizona has cut appropriations to the Administrative Office of the Courts in fiscal year 2003 which will result in budget cuts to the Maricopa County Adult Probation Department in the amount of approximately \$ 2,800,000, which will result in the permanent loss of approximately 125 positions in the Maricopa County Adult Probation Department, and

Whereas the cut in appropriations will result in the elimination of 17.5 Intensive Probation Teams (17 probation and 18 surveillance officers) and 31 Standard Adult Probation Officers, 39 community punishment program staff who work primarily with sex offenders, 2 surveillance officers covering the Interstate Compact cases, 6 Probation Officer Supervisors and 12 support staff, and

Whereas, in response to the ongoing State fiscal crisis, the Superior Court of Maricopa County has already instituted budget cutting measures in fiscal year 2002 and early fiscal year 2003 which includes abbreviated pre-sentence reports in the regional felony centers, shortening the length of probation in appropriate cases, increasing probation fees, releasing 70 temporary help staff, a cost shift from the State to the County of \$ 2.5 million, and creating a consolidated probation revocation calendar, and

Whereas, these budget cuts constitute an emergency situation with potential adverse consequences to public safety, and the Supreme Court of the State of Arizona has declared a fiscal emergency in the Judicial Branch,

**IT IS ORDERED:**

1. The Maricopa County Adult Probation Department has 105 vacant positions. These vacant positions will not be filled with external candidates but existing staff can be transferred from other positions defunded by the State. After said transfers have occurred, all remaining vacancies shall be frozen pending further order of the Court. No future vacant position will be hired into the Maricopa County Adult Probation Department or from County funded vacant positions in the Maricopa County Juvenile Probation Department without approval of the Presiding Judge of Maricopa County.

2. The cut in appropriations will eliminate 17.5 Intensive Probation Teams in Maricopa County. The statutory caseload for a two-person intensive probation team is 25 cases. Maricopa County Adult Probation will review all defendants who are on Intensive Probation for a possible petition to reduce the defendant to standard probation. The Honorable Ronald S. Reinstein, Judge of Maricopa County, shall hear all petitions to reduce a defendant under these classifications from Intensive to Standard Probation.
3. The Chief Adult Probation Officer shall provide the Presiding Criminal Judge, the Honorable Thomas O'Toole, the number of defendants that can be placed under intensive probation with the remaining number of teams available in Maricopa County. The number that has been established is 1,312. Since this number is already surpassed by 96, it is ordered that no further defendant shall be placed on intensive probation until a vacancy occurs within the maximum limit. Trial judges have the discretion to hold defendants in the Maricopa County Jail for up to one year to release to Intensive Probation Supervision when a vacancy occurs, or, of course, have the discretion to sentence to the Department of Corrections.
4. The cut in appropriations will eliminate 31 Standard Adult Probation Officers. The Chief Probation Officer shall provide the Presiding Criminal Judge, the Honorable Thomas O'Toole, the number of defendants that can be placed under standard probation with the remaining number of officers available in Maricopa County which is 382. By statute, one standard probation officer can supervise up to 60 defendants. The number that has been established is 22,920. Maricopa County surpasses this number by 2,528. Maricopa County Adult Probation will review all cases of standard probation for possible early termination from probation. The Adult Probation Department may recommend reduction in community work service, if not mandatory under the law, if necessary to accomplish early termination. The Court policy that no defendant shall be terminated early from probation when outstanding fines, fees or restitution are owed is suspended until further order of the Court. If a defendant is early terminated from probation with outstanding fines, fees or restitution, those amounts shall be reduced to a civil judgment and forwarded to the County collections unit for collections. All requests for early termination shall be heard by the Honorable Ronald S. Reinstein, Judge of Maricopa County. Report only cases will either be early terminated through this process or will be converted to unsupervised probation.
5. The Court finds that the above-described financial and supervising probation officer employment crisis constitutes exigent circumstances

for waiving minimum supervision requirements as to certain probationers. The Chief Adult Probation Officer may waive minimum supervision requirements in writing, for a specified period of time as defined in section 6-201(K)(6), Arizona Code of Judicial Administration, in those cases where it is determined that public safety will not be compromised and where the probationer is not otherwise precluded by law and section 6-201(K)(6).

6. The consolidated probation revocation calendar hears over 800 probation revocation petitions a month. In any case where a defendant's probation is pending revocation, in its recommendation to the Judge, the probation officer shall explain why incarceration in the Department of Corrections is not warranted; and, if reinstatement is the recommendation, why scarce public resources should be used for reinstatement to probation.
7. For class 5 and 6 felonies and any misdemeanors, the presentence writer must consider recommending a terminal disposition in the way of a fine. County jail may be recommended as a terminal disposition for misdemeanor cases. For class 6 undesignated offenses, a recommendation for a misdemeanor designation must accompany a terminal jail disposition recommendation. For class 6 designated offenses, a presentence writer may consider a shorter term of probation with jail as a condition of probation; for example, six months probation with 5 and one half months in jail as a condition of probation. The presentence writer must inform the Court why a terminal disposition recommendation is not appropriate and why scarce probation resources should be used. The information provided to the Court by the presentence writer shall include a face sheet, criminal history, disposition sheet and recommendation.
8. The Adult Probation Department is directed to spend probation fee funds for the 36 staff previously funded from the Community Punishment Program Fund. This will be done so that there will neither be a loss of surveillance of any sex offender, domestic violence or seriously mentally ill probationers nor a divergence in the officer safety program while improving apprehension of probation fugitives. The Adult Probation Department shall immediately petition the Board of Supervisors to raise the limit on its expenditures from the probation fee fund previously set by the Board of Supervisors.
9. The Adult Probation Department shall prepare no presentence reports on misdemeanor cases and will not supervise any misdemeanor defendant except as required by law. The only probation option will be unsupervised probation or a terminal disposition for misdemeanors except for those cases contained in Arizona Revised Statutes 12-

251(A). Any petition to revoke probation on a misdemeanor defendant where probation is required by law shall be filed in the consolidated probation revocation center in downtown Phoenix. Court managers, upon request, will forward any files to the consolidated probation revocation center.

10. The Adult Probation Department shall no longer be attaching the conditions documents to court reports when probation is not being recommended. Each sentencing court shall stock conditions documents for the Judge's use.
11. The Court has adopted a reduction in force policy, which requires interviewing and ranking personnel based on specified criteria. The Adult Probation Department shall interview and rank all personnel under the reduction in force policy as soon as possible.
12. Nothing in this administrative order is intended to affect any individual judge's discretion to impose an appropriate sentence in each case based upon the circumstances of that case. This administrative order is intended to manage limited resources in the probation department and the content and options considered in a pre-sentence report.

DATED this 16th day of December 2002.

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Colin F. Campbell  
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Charles E. Jones, Chief Justice, Supreme Court  
Hon. Janet Napolitano, Attorney General and Governor-elect  
Hon. Thomas O'Toole, Presiding Criminal Judge  
Hon. Ronald S. Reinstein  
Hon. Linda Scott, Presiding Juvenile Judge  
Maricopa County Board of Supervisors  
Hon. Richard M. Romley, County Attorney  
Hon. Joseph M. Arpaio, County Sheriff  
James Haas, Public Defender  
Susan Sherwin, Legal Advocate  
Robert S. Briney, Legal Defender  
Mark Kennedy, Office of Court Appointed Counsel  
David K. Byers, Administrative Director, Administrative Office  
of the Court  
Gordon M. Griller, Court Administrator for Trial Courts

Marcus Reinkensmeyer, Court Administrator for  
General Jurisdiction Courts  
Barbara A. Broderick, Chief Adult Probation Officer  
Cheryl K. Townsend, Director of Juvenile Court Services  
Peter C. Kiefer, Criminal Court Administration  
Carolyn Edlund, Juvenile Court Administrator